

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**CHARLESTON DIVISION**

1STARR DALTON,

Plaintiff,

v.

CIVIL ACTION NO. 2:08-cv-01217

W. VA. PAROLE BOARD, et al.,

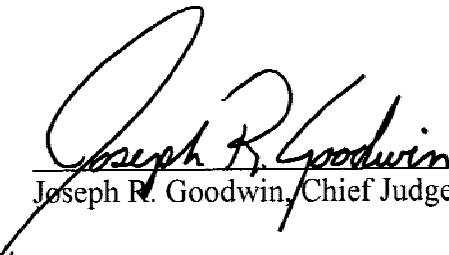
Defendants.

**ORDER**

Pending before the court is the defendants' Motion to Dismiss [Docket 10]. Pursuant to 28 U.S.C. § 636(b)(1)(B), this case was referred to the Honorable Mary E. Stanley, United States Magistrate Judge, for proposed findings of fact and recommendations for disposition. On May 20, 2009, the Magistrate Judge submitted the proposed findings of fact and recommendation ("PF&R") [Docket 13]. The Magistrate Judge recommended that the court grant the defendants' Motion.

On June 10, 2009, this court granted the plaintiff's Motion for an Extension of Time to File Objections to the PF&R [Docket 14]. The plaintiff filed objections to the PF&R on June 24, 2009 [Docket 15]. The court has reviewed *de novo* those portions of the Magistrate Judge's PF&R to which the plaintiff objects and **FINDS** that the objections lack merit. Accordingly, the court **ADOPTS** the Magistrate Judge's PF&R. Therefore, the court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and orders judgment consistent with the findings and recommendations. The court **GRANTS** the defendants' Motion to Dismiss. The court **DIRECTS** the Clerk to send a copy of this Order to counsel of record and any unrepresented party.

ENTER: August 25, 2009



Joseph R. Goodwin, Chief Judge